

REMARKS/ARGUMENTS

Claims 1-17 are pending. Claims 1, 3, and 12 were objected to for various informalities. Claims 1-3, 5, 6, 8, 9, and 11-17 were rejected as anticipated by U.S. Patent No. 6,338,414 to Schellenbach. Claims 4, 7, and 10 were rejected as obvious based on Schellenbach.

Applicant has amended Claims 1, 3, and 12 to address the matters objected to in the Office Action. Claims 1 and 12 have been further amended with respect to the sealing system of the closure. Other minor amendments have been made to the dependent claims to improve clarity. New Claim 18 has been added.

It is respectfully submitted that amended Claims 1 and 12 and new Claim 18 define subject matter that is not disclosed or suggested by Schellenbach or the other prior art of record. The Office Action asserts that item **16** in Schellenbach (Figures 1b and 3b) corresponds to the first sealing element, that item **14b** corresponds to the second sealing element, and that item **13** corresponds to the third sealing element, all as originally claimed in Claims 1 and 12.

Amended Claims 1 and 12 recite that the second sealing element provides sealing by direct compression when the closure is applied to the container, and that the second sealing element cooperates with the first portion, is non-deformable, and presents a thickness considerably larger with respect to the rest of the closure so as to exert a bending moment in order to limit deformation of the closure. It is submitted that Schellenbach does not disclose or suggest a closure having a sealing system as claimed in the amended claims. Element **14b** of Schellenbach does not provide sealing by direct compression—rather, the sealing element **13** contacts element **14b** as clearly shown in Figure 3b. For at least this reason, Schellenbach does not anticipate the claims.

Additionally, element **14b** does not present a thickness considerably greater than the rest of the closure. For instance, the thickness at element **14b** is less than the thickness at the location where sealing element **13** joins the inner surface of the closure. For this reason, it is expected

that element **14b** would not exert a bending moment to limit deformation of the closure as recited in the amended claims.

Based on these facts, it is respectfully submitted that Claims 1 and 12 are not anticipated by or made obvious by Schellenbach, and hence are patentable.

New Claim 18 is directed to a closure having a sealing system comprising a first sealing element projecting from the lower surface of the first portion and having a first side surface facing the second portion and positioned to be engaged by the container neck when the closure is applied thereto, the first sealing element being resiliently deformable by the neck. The system includes a second sealing element projecting from the juncture between the first and second portions and positioned to be directly contacted by and compressed against the third upper surface of the container neck when the closure is applied thereto, the second sealing element being non-deformable. The system also includes a third sealing element projecting from the inner surface of the second portion and having a lower surface facing away from the first portion, the lower surface of the third sealing element being positioned to be contacted by the container neck when the closure is applied thereto, the third sealing element being resiliently deformable by the neck.

Neither Schellenbach nor the other prior art of record teaches or suggests such a closure. Element **14b** of Schellenbach in the Figure 1b embodiment does not meet the claimed second sealing element because it is not directed contacted by and compressed against the upper surface of the container neck. Rather, as already noted, the neck presses sealing element **13** against element **14b**. In the Figure 1 and 1a embodiments, there is no third sealing element as claimed (specifically, the element **17a** does not have a lower surface contacted by the container neck). Finally, in the Figure 4 embodiment, the tiny projections **34a-f** do not meet the recited second sealing element; more particularly, they do not project from the juncture between the first and second portions of the closure as claimed.

Thus, new Claim 18 is not disclosed by or made obvious by Schellenbach. The other prior art of record likewise does not teach or suggest the claimed closure.

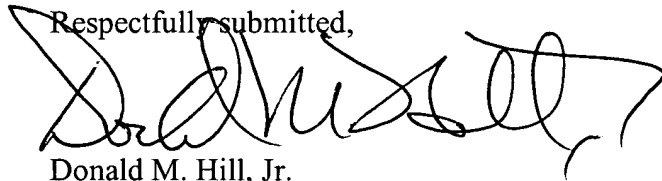
Appl. No.: 10/690,714
Amdt. dated 05/19/2005
Reply to Office action of February 22, 2005

Conclusion

Based on the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance. The Examiner is invited to telephone the undersigned if any further issues require resolution prior to allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any required fee (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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